

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Rico P. Howard,

Petitioner,

v.

Case No. 19-cv-0059 (JNE/HB)
ORDER

State of Minnesota,

Respondent.

This matter is before the Court on a Report and Recommendation (“R&R”) issued on July 19, 2019 by United States Magistrate Judge Hildy Bowbeer. Rico P. Howard filed a petition for habeas corpus under 28 U.S.C. § 2254 and the State of Minnesota moved to dismiss the petition as barred by the statute of limitations established by 28 U.S.C. § 2244(d)(1). The magistrate judge recommended that the Court deny Petitioner’s petition, grant the Respondent’s motion to dismiss, and deny a certificate of appealability. ECF No. 17. No party filed objections to the R&R.

Based on a de novo review of the record, the Court adopts the magistrate judge’s report and accepts the recommended disposition. *See* 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2. Therefore, IT IS ORDERED THAT:

1. The Respondent’s Motion to Dismiss [Docket No. 7] is GRANTED;
2. The Petition for Writ of Habeas Corpus [Docket No. 1] is DENIED;
3. This action is DISMISSED WITH PREJUDICE; and
4. A certificate of appealability is not granted.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 28, 2019

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge